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AMENDED IN SENATE JUNE 24, 2014

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AMENDED IN SENATE MAY 21, 2014

AMENDED IN SENATE JULY 11, 2013

AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 333**

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**Introduced by Assembly Member Wieckowski**

February 13, 2013

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An act to amend Sections 117605, 117665, 117695, 117700, 117710, 117725, 117747, 117765, 117775, 117780, 117805, 117820, 117835, 117885, 117890, 117900, 117903, 117904, 117918, 117920, 117924, 117928, 117935, 117938, 117940, 117943, 117945, 117950, 117960, 117970, 117985, 117990, 118000, 118025, 118027, 118029, 118032, 118045, 118135, 118150, 118155, 118160, 118205, 118215, 118220, 118222, 118240, 118245, 118275, 118280, 118286, 118307, 118321.1, ~~118321.5~~, 118335, and 118345 of, to add Sections 117636, 117647, 117946, 117967, and 117976 to, to repeal Sections 117620, 117635, 117748, 117755, 117777, 117933, 117955, 118005, 118030, and 118040 of, and to repeal and add Sections 117630, 117690, 117750, 117770, 117895, and 117975 of, the Health and Safety Code, relating to medical waste.

## LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Wieckowski. Medical waste.

(1) Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring specified biohazard materials to be disposed of in biohazard bags and requiring specified treatment for medical waste. Transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime. Existing law defines specified terms for purposes of the Medical Waste Management Act, including “biohazard bag,” “medical waste management plan,” “sharps container,” ~~“shipping document,”~~ “*tracking document*,” and “treatment.” Under existing law, health care professionals who generate medical waste are generally required to have medical waste transported by a registered hazardous waste transporter.

This bill would specify that the United States Department of Transportation has responsibility for the transportation of medical waste on public roads and highways and that the United States Postal Service has responsibility for the transportation of medical waste through the mail. The bill would delete or recast provisions of the act that are inconsistent with that authority. The bill would also redefine the specified terms for purposes of the Medical Waste Management Act, including those above, and add definitions of terms, including a chemotherapeutic agent. The bill would include all subsets of waste in the definition of treatment. The bill would also authorize the color coding of ~~sharps containers to segregate the waste stream if designated in the medical waste management plan~~ *biohazard bags, as specified*.

(2) Existing law authorizes a local agency to adopt a medical waste management program to, among other things, issue medical waste registrations and permits and inspect medical waste generators and treatment facilities, and requires the local agency, if it elects to do so, to notify the department. Under existing law, if the local agency chooses not to adopt a medical waste management program or if the department withdraws its designation, then the department is the enforcement agency.

Existing law requires the department to impose and cause to be collected an annual medical waste generator fee, as specified. Existing law authorizes the department to contract with a medical waste transporter or provider of medical waste mail-back systems for the

collection of these fees and authorizes the collecting body to recover not more than 5% of the fees as administrative costs.

This bill would remove the ability of the department to use medical waste mail-back systems for the collection of these fees and would authorize medical waste transporters that collect these fees to recover up to 7.5% as administrative costs.

(3) Under the Medical Waste Management Act, medical waste generators, including large quantity generators and small quantity generators, are subject to various requirements relating to registration, record retention, and transportation of medical waste.

This bill would revise the registration procedures and the record requirements for large quantity and small quantity generators. The bill would require large and small quantity generators that operate treatment equipment to receive annual training to operate the equipment. The bill would exempt from regulation as a hazardous waste hauler a small quantity generator or large quantity generator that meets specified requirements, including retaining specified documentation and complying with certain federal requirements relating to a materials of trade exception.

The bill would make technical, conforming, and clarifying changes relating to these provisions.

Existing law prohibits a large quantity generator from generating medical waste unless the large quantity generator is registered with the enforcement agency and requires small quantity generators to register with the local enforcement agency.

This bill would authorize a registered large quantity or small quantity medical waste generator to generate medical waste at a temporary event, including vaccination clinics, and would require the large quantity or small quantity generator to notify the enforcement agency of its participation at such an event at least 72 hours before the ~~event~~ *event*, *except as provided*.

(4) Existing law requires that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law. Existing law also specifies treatment methods and processes that medical waste treatment facilities are required to use, including requiring heat sensitive tape to show that materials went through a heat process, and requires a medical waste treatment facility to be permitted by the department.

This bill would make various changes to the provisions relating to medical waste haulers, including removing provisions that conflict with the United States Department of Transportation regulation of those entities, authorizing a registered trauma scene waste practitioner, as specified, to haul medical waste, and making changes to the information medical waste haulers are required to provide to the department annually. This bill would also make various changes to the provisions relating to medical waste treatment facilities, including specifying the decontamination methods for a closure plan, lowering the time period for which records are maintained from 3 to 2 years, and authorizing the use of electronic information for operating records and shipping documents.

(5) Existing law exempts from specified provisions of the Medical Waste Management Act a person who is authorized to collect solid waste and who unknowingly transports medical waste to a solid waste facility, incidental to the collection of solid waste.

This bill would exempt those persons from the entire act, with regard to that waste, and would require the solid waste transporter to contact the originating generator of the medical waste to respond to the facility to provide ultimate proper disposal of the medical waste.

(6) Existing law requires that animals that die of infectious diseases be treated as medical waste, as specified, if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans.

This bill would require the carcasses of animals that have died of infectious diseases or that have been euthanized because of suspected exposure to infectious disease to be treated with a treatment technology approved by the department if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans. By expanding the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 117605 of the Health and Safety Code is amended to read:

117605. (a) The United States Department of Transportation (USDOT) is responsible for the transportation of medical waste on public roads and highways. The United States Postal Service (USPS) is responsible for the transportation of medical waste through the mail and approves medical waste mail-back systems. The standards USDOT enforces are found in Title 49 of the Code of Federal Regulations. The standards USPS enforces are found in Domestic Mail Manual 601.10.17.5 (Mailability: Hazardous Materials: Sharps and Other Mailable Regulated Medical Waste). The USDOT and USPS regulations preempt state laws. *Nothing in this part shall prohibit the department from using the formal administrative process provided by USDOT for adjudicating state preemption issues.*

(b) *The Medical Waste Management Act does not preempt any local ordinance regulating infectious waste, as that term was defined by Section 25117.5 as it read on December 31, 1990, if the ordinance was in effect on January 1, 1990, and regulated both large and small quantity generators. Any ordinance may be amended in a manner that is consistent with this part.*

SEC. 2. Section 117620 of the Health and Safety Code is repealed.

SEC. 3. Section 117630 of the Health and Safety Code is repealed.

SEC. 4. Section 117630 is added to the Health and Safety Code, to read:

117630. "Biohazard bag" means a disposable film bag that is impervious to moisture. The film bags that are used for transport shall be marked and certified by the manufacturer as having passed the tests prescribed for tear resistance in the American Society for Testing Materials (ASTM) D1922, "Standard Test Method for Propagation Tear Resistance of Plastic Film and Thin Sheeting by Pendulum Method" and for impact resistance in ASTM D 1709, "Standard Test Methods for Impact Resistance of Plastic Film by the Free-Falling Dart Method," as those documents were published on January 1, 2014. The film bag shall meet an impact resistance of 165 grams and a tearing resistance of 480 grams in both parallel

1 and perpendicular planes with respect to the length of the bag. The  
2 color of the bag shall be red, except when ~~other colors are used to~~  
3 ~~further segregate the waste stream, including for trace~~  
4 ~~chemotherapy wastes, laboratory wastes, and other subsets of the~~  
5 ~~waste stream. If additional colors are used other than the standard~~  
6 ~~red bag, the color assignments shall be designated in the facility's~~  
7 ~~medical waste management plan~~ *yellow bags are used to further*  
8 *segregate trace chemotherapy waste and white bags are used to*  
9 *further segregate pathology waste.*

10 SEC. 5. Section 117635 of the Health and Safety Code is  
11 repealed.

12 SEC. 6. Section 117636 is added to the Health and Safety Code,  
13 to read:

14 117636. "Chemotherapeutic agent" means an agent that kills  
15 or prevents the reproduction of malignant cells. Chemotherapeutic  
16 agent excludes anti-inflammatory and antibiotic medications used  
17 to treat malignant cells in the practice of veterinary medicine.

18 SEC. 7. Section 117647 is added to the Health and Safety Code,  
19 to read:

20 117647. ~~"Empty tubing or container"~~ *"Empty"* means a  
21 condition achieved when tubing, a container, or inner liner removed  
22 from a container that previously contained liquid or solid material,  
23 including, but not limited to, a chemotherapeutic agent, is  
24 considered empty. The tubing, container, or inner liner removed  
25 from the container shall be considered empty if it has been emptied  
26 so that the following conditions are met:

27 (a) If the material that the tubing, container, or inner liner held  
28 is pourable, no material can be poured or drained from the tubing,  
29 container, or inner liner when held in any orientation, including,  
30 but not limited to, when tilted or inverted.

31 (b) If the material that the tubing, container, or inner liner held  
32 is not pourable, no material or waste remains in the container or  
33 inner liner that can feasibly be removed by scraping.

34 SEC. 8. Section 117665 of the Health and Safety Code is  
35 amended to read:

36 117665. "Highly communicable diseases" means diseases,  
37 such as those caused by organisms classified by the federal Centers  
38 for Disease Control and Prevention as risk group 3 organisms or  
39 higher.

1 SEC. 9. Section 117690 of the Health and Safety Code is  
2 repealed.

3 SEC. 10. Section 117690 is added to the Health and Safety  
4 Code, to read:

5 117690. (a) "Medical waste" means any biohazardous,  
6 pathology, pharmaceutical, *or* trace-~~or bulk~~ chemotherapy waste  
7 not regulated by the federal Resource Conservation and Recovery  
8 Act of 1976 (Public Law 94-580), as amended; sharps and trace  
9 chemotherapy wastes generated in a health care setting in the  
10 diagnosis, treatment, immunization, or care of humans or animals;  
11 waste generated in autopsy or necropsy; waste generated during  
12 preparation of a body for final disposition such as cremation or  
13 interment; waste generated in research pertaining to the production  
14 or testing of microbiologicals; waste generated in research using  
15 human or animal pathogens; sharps and laboratory waste that poses  
16 a potential risk of infection to humans generated in the inoculation  
17 of animals in commercial farming operations; waste generated  
18 from the consolidation of home-generated sharps; and waste  
19 generated in the cleanup of trauma scenes. Biohazardous,  
20 pathology, pharmaceutical, sharps, and trace chemotherapy wastes  
21 that meet the conditions of this section are not subject to any of  
22 the hazardous waste requirements found in Chapter 6.5  
23 (commencing with Section 25100) of Division 20.

24 (b) For purposes of this part the following definitions apply:

25 (1) "Biohazardous waste" includes all of the following:

26 (A) (i) Regulated medical waste, clinical waste, or biomedical  
27 waste that is a waste or reusable material derived from the medical  
28 treatment of a human or from an animal that is suspected by the  
29 attending veterinarian of being infected with a pathogen that is  
30 also infectious to humans, which includes diagnosis and  
31 immunization; or from biomedical research, which includes the  
32 production and testing of biological products.

33 (ii) Regulated medical waste or clinical waste or biomedical  
34 waste suspected of containing a highly communicable disease.

35 (B) Laboratory waste such as human specimen cultures or  
36 animal specimen cultures that are infected with pathogens that are  
37 also infectious to humans; cultures and stocks of infectious agents  
38 from research; wastes from the production of bacteria, viruses,  
39 spores, discarded live and attenuated vaccines used in human health  
40 care or research, discarded animal vaccines, including Brucellosis

1 and Contagious Ecthyma, as defined by the department; culture  
2 dishes, devices used to transfer, inoculate, and mix cultures; and  
3 wastes identified by Section 173.134 of Title 49 of the Code of  
4 Federal Regulations as Category B “once wasted” for laboratory  
5 wastes.

6 (C) Waste that, at the point of transport from the generator’s  
7 site or at the point of disposal contains recognizable fluid human  
8 blood, fluid human blood products, containers, or equipment  
9 containing human blood that is fluid, or blood from animals  
10 suspected by the attending veterinarian of being contaminated with  
11 infectious agents known to be contagious to humans.

12 (D) Waste containing discarded materials contaminated with  
13 excretion, exudate, or secretions from humans or animals that are  
14 required to be isolated by the infection control staff, the attending  
15 physician and surgeon, the attending veterinarian, or the local  
16 health officer, to protect others from highly communicable diseases  
17 or diseases of animals that are communicable to humans.

18 (2) Pathology waste includes both of the following:

19 (A) Human body parts, with the exception of teeth, removed at  
20 surgery and surgery specimens or tissues removed at surgery or  
21 autopsy that are suspected by the health care professional of being  
22 contaminated with infectious agents known to be contagious to  
23 humans or having been fixed in formaldehyde or another fixative.

24 (B) Animal parts, tissues, fluids, or carcasses suspected by the  
25 attending veterinarian of being contaminated with infectious agents  
26 known to be contagious to humans.

27 (3) “Pharmaceutical waste” means a pharmaceutical, as defined  
28 in Section 117747, including fluid bulk chemotherapy waste, that  
29 is a waste, as defined in Section 25124. For purposes of this part,  
30 “pharmaceutical waste” does not include a pharmaceutical that  
31 meets either of the following criteria:

32 (A) The pharmaceutical is being sent out of the state to a reverse  
33 distributor, as defined in Section 4040.5 of the Business and  
34 Professions Code, that is licensed as a wholesaler of dangerous  
35 drugs by the California State Board of Pharmacy pursuant to  
36 Section 4161 of the Business and Professions Code.

37 (B) The pharmaceutical is being sent by a reverse distributor,  
38 as defined in Section 4040.5 of the Business and Professions Code,  
39 offsite for treatment and disposal in accordance with applicable  
40 laws, or to a reverse distributor that is licensed as a wholesaler of



1 dangerous drugs by the California State Board of Pharmacy  
2 pursuant to Section 4160 of the Business and Professions Code  
3 and as a permitted transfer station if the reverse distributor is  
4 located within the state.

5 (4) “Sharps waste” means a device that has acute rigid corners,  
6 edges, or protuberances capable of cutting or piercing, including,  
7 but not limited to, hypodermic needles, hypodermic needles with  
8 syringes, blades, needles with attached tubing, acupuncture needles,  
9 root canal files, broken glass items used in health care such as  
10 Pasteur pipettes and blood vials contaminated with biohazardous  
11 waste, and any item capable of cutting or piercing from trauma  
12 scene waste.

13 (5) “Trace chemotherapeutic waste” means waste that is  
14 contaminated through contact with, or having previously contained,  
15 chemotherapeutic agents, including, but not limited to, gloves,  
16 disposable gowns, towels, and intravenous solution bags and  
17 attached tubing that are empty. A biohazardous waste that meets  
18 the conditions of this paragraph is not subject to the hazardous  
19 waste requirements of Chapter 6.5 (commencing with Section  
20 25100) of Division 20.

21 (6) “Trauma scene waste” means waste that is a regulated waste,  
22 as defined in Section 5193 of Title 8 of the California Code of  
23 Regulations, and that has been removed, is to be removed, or is in  
24 the process of being removed, from a trauma scene by a trauma  
25 scene waste management practitioner.

26 SEC. 11. Section 117695 of the Health and Safety Code is  
27 amended to read:

28 117695. Medical waste that has been treated in accordance  
29 with the provisions of the Medical Waste Management Act,  
30 Chapter 8 (commencing with Section 118215), and that is not  
31 otherwise hazardous, shall thereafter be considered solid waste as  
32 defined in Section 40191 of the Public Resources Code and not  
33 medical waste.

34 SEC. 12. Section 117700 of the Health and Safety Code is  
35 amended to read:

36 117700. Medical waste does not include any of the following:

37 (a) Waste generated in food processing or biotechnology that  
38 does not contain an infectious agent, as defined in Section 117675,  
39 or an agent capable of causing an infection that is highly  
40 communicable, as defined in Section 117665.

1 (b) Waste generated in biotechnology that does not contain  
2 human blood or blood products or animal blood or blood products  
3 suspected of being contaminated with infectious agents known to  
4 be communicable to humans or a highly communicable disease.

5 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,  
6 or vomitus, unless it contains visible or recognizable fluid blood,  
7 as provided in subparagraph (C) of paragraph (1) of subdivision  
8 (b) of Section 117690.

9 (d) Waste which is not biohazardous, such as paper towels,  
10 paper products, articles containing nonfluid blood, and other  
11 medical solid waste products commonly found in the facilities of  
12 medical waste generators.

13 (e) Hazardous waste, radioactive waste, or household waste,  
14 including, but not limited to, home-generated sharps waste, as  
15 defined in Section 117671.

16 (f) Waste generated from normal and legal veterinarian,  
17 agricultural, and animal livestock management practices on a farm  
18 or ranch unless otherwise specified in law.

19 SEC. 13. Section 117710 of the Health and Safety Code is  
20 amended to read:

21 117710. “Medical waste management plan” means a document  
22 that is completed by generators of medical waste that describes  
23 how the medical waste generated at their facility shall be  
24 segregated, handled, stored, packaged, treated, or shipped for  
25 treatment, as applicable, pursuant to Section 117935 for small  
26 quantity generators and Section 117960 for large quantity  
27 generators, on forms prepared by the enforcement agency, if those  
28 forms are provided by the enforcement agency.

29 SEC. 14. Section 117725 of the Health and Safety Code is  
30 amended to read:

31 117725. (a) “Medical waste treatment facility” means all land  
32 and structures, and other appurtenances or improvements on the  
33 land under the control of the treatment facility, used for treating  
34 medical waste offsite from a medical waste generator, including  
35 all associated handling and storage of medical waste as permitted  
36 by the department.

37 (b) For purposes of this section, land is under the control of the  
38 treatment facility if it is owned, rented, or controlled by contractual  
39 agreement.

1 SEC. 15. Section 117747 of the Health and Safety Code is  
2 amended to read:

3 117747. (a) "Pharmaceutical" means a prescription or  
4 over-the-counter human or veterinary drug, including, but not  
5 limited to, a drug as defined in Section 109925 of the Federal Food,  
6 Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec. 321(g)(1)).

7 (b) For purposes of this part, "pharmaceutical" does not include  
8 any pharmaceutical that is regulated pursuant to either of the  
9 following:

10 (1) The federal Resource Conservation and Recovery Act of  
11 1976, as amended (42 U.S.C.A. Sec. 6901 et seq.). This waste  
12 stream shall be handled as a hazardous waste under the authority  
13 of Chapter 6.5 (commencing with Section 25100) of Division 20.

14 (2) The Radiation Control Law (Chapter 8 (commencing with  
15 Section 114960) of Part 9).

16 SEC. 16. Section 117748 of the Health and Safety Code is  
17 repealed.

18 SEC. 17. Section 117750 of the Health and Safety Code is  
19 repealed.

20 SEC. 18. Section 117750 is added to the Health and Safety  
21 Code, to read:

22 117750. (a) "Sharps container" means a rigid puncture-resistant  
23 container used in patient care or research activities meeting the  
24 standards of, and receiving approval from, the United States Food  
25 and Drug Administration as a medical device used for the collection  
26 of discarded ~~medical needles, other sharps, or, except as specified~~  
27 ~~in subdivision (b), other waste.~~ *medical needles or other sharps.*

28 ~~(b) For purposes of subdivision (a), "other waste" does not~~  
29 ~~include any waste that is regulated pursuant to either of the~~  
30 ~~following:~~

31 ~~(1) The federal Resource Conservation and Recovery Act of~~  
32 ~~1976, as amended (42 U.S.C. Sec. 6901 et seq.).~~

33 ~~(2) The Radiation Control Law (Chapter 8 (commencing with~~  
34 ~~Section 114960) of Part 9).~~

35 ~~(c) No specific color of the sharps container is required. If~~  
36 ~~multiple colored containers are used to segregate the waste stream,~~  
37 ~~including for trace chemotherapy waste, laboratory waste, and~~  
38 ~~other subsets of the waste stream, the color assignments for the~~  
39 ~~sharps containers shall be designated in the generator's medical~~  
40 ~~waste management plan.~~

1     ~~(d)~~

2     (b) Sharps containers, including those used to containerize trace  
3     chemotherapeutic wastes, shall not be lined with a plastic bag or  
4     inner liner.

5     SEC. 19. Section 117755 of the Health and Safety Code is  
6     repealed.

7     SEC. 20. Section 117765 of the Health and Safety Code is  
8     amended to read:

9     117765. “Storage” means the holding of medical wastes, in  
10    compliance with the Medical Waste Management Act, including  
11    Chapter 9 (commencing with Section 118275), at a designated  
12    accumulation area, offsite point of consolidation, transfer station,  
13    other registered facility, or in a vehicle detached from its means  
14    of locomotion.

15    SEC. 21. Section 117770 of the Health and Safety Code is  
16    repealed.

17    SEC. 22. Section 117770 is added to the Health and Safety  
18    Code, to read:

19    117770. “Shipping document” means the medical waste  
20    shipping document required by the United States Department of  
21    Transportation pursuant to Section 172.200 et seq. of Title 49 of  
22    the Code of Federal Regulations or the document required by the  
23    United States Postal Service pursuant to Domestic Mail Manual  
24    601.10.17.5 (Mailability: Hazardous Materials: Sharps and Other  
25    Mailable Regulated Medical Waste).

26    SEC. 23. Section 117775 of the Health and Safety Code is  
27    amended to read:

28    117775. (a) “Transfer station” means an offsite location  
29    permitted by the department where medical waste is loaded,  
30    unloaded, stored, or consolidated by a registered hazardous waste  
31    hauler during the normal course of transportation of the medical  
32    waste.

33    (b) “Transfer station” does not include any onsite facility,  
34    including, but not limited to, common storage facilities, facilities  
35    of medical waste generators employed for the purpose of  
36    consolidation, or onsite treatment facilities.

37    SEC. 24. Section 117777 of the Health and Safety Code is  
38    repealed.

39    SEC. 25. Section 117780 of the Health and Safety Code is  
40    amended to read:

1 117780. “Treatment” means any method, technique, or process  
2 designed to change or destroy the biological character or  
3 composition of any medical waste so as to eliminate its potential  
4 for causing disease or creating public or environmental harm, as  
5 specified in Chapter 8 (commencing with Section 118215).

6 SEC. 26. Section 117805 of the Health and Safety Code is  
7 amended to read:

8 117805. A local agency that elects to implement a medical  
9 waste management program shall notify the department of its intent  
10 to do so.

11 SEC. 27. Section 117820 of the Health and Safety Code is  
12 amended to read:

13 117820. A medical waste management program shall include,  
14 but not be limited to, all of the following:

15 (a) Issuing medical waste registrations and permits pursuant to  
16 the Medical Waste Management Act.

17 (b) Processing and reviewing the medical waste management  
18 plans and inspecting onsite treatment facilities in accordance with  
19 Chapter 4 (commencing with Section 117925) for all small quantity  
20 medical waste generators required to be registered.

21 (c) Conducting an evaluation, inspection, or records review for  
22 all facilities or persons issued a large quantity medical waste  
23 registration pursuant to Chapter 5 (commencing with Section  
24 117950) or issued a permit for an ~~offsite~~ or onsite medical waste  
25 treatment facility pursuant to Chapter 7 (commencing with Section  
26 118130).

27 (d) Inspecting medical waste generators in response to  
28 complaints or emergency incidents, or as part of an investigation  
29 or evaluation of the implementation of the medical waste  
30 management plan.

31 (e) Inspecting medical waste treatment facilities in response to  
32 a complaint or as part of an investigation or emergency incident.

33 (f) Taking enforcement action for the suspension or revocation  
34 of medical waste permits issued by the local agency pursuant to  
35 this part.

36 (g) Referring or initiating proceedings for civil or criminal  
37 prosecution of violations specified in Chapter 10 (commencing  
38 with Section 118335).

39 (h) Reporting in a manner determined by the department so that  
40 the statewide effectiveness of the program can be determined.

1 SEC. 28. Section 117835 of the Health and Safety Code is  
2 amended to read:

3 117835. The department shall establish and maintain a database  
4 of persons registered as small quantity generators and as large  
5 quantity generators for whom the department is the enforcement  
6 agency under Chapter 4 (commencing with Section 117925) and  
7 Chapter 5 (commencing with Section 117950).

8 SEC. 29. Section 117885 of the Health and Safety Code is  
9 amended to read:

10 117885. (a) There is in the State Treasury the Medical Waste  
11 Management Fund, that shall be administered by the director.  
12 Money deposited in the fund shall be available to the department,  
13 upon appropriation by the Legislature, for the purposes of this part.

14 (b) In addition to any other funds transferred by the Legislature  
15 to the Medical Waste Management Fund, the following shall be  
16 deposited in the fund:

17 (1) Fees, penalties, interest earned, and fines collected by, or  
18 on behalf of, the department pursuant to this part.

19 (2) Funds granted by the federal government for purposes of  
20 carrying out this part.

21 SEC. 30. Section 117890 of the Health and Safety Code is  
22 amended to read:

23 117890. (a) No large quantity generator shall generate medical  
24 waste unless the large quantity generator is registered with the  
25 enforcement agency pursuant to this part.

26 (b) Registration pursuant to this part shall also allow the large  
27 quantity generator to generate medical waste at temporary events,  
28 including, but not limited to, health fairs, vaccination clinics, and  
29 veteran stand downs, without further registration or permitting  
30 required. The large quantity generator shall notify the local  
31 enforcement agency of their intended participation in a temporary  
32 event at least 72 hours before the ~~event~~ *event, unless the sponsor*  
33 *of the temporary event previously notified the local enforcement*  
34 *agency of the event.*

35 SEC. 31. Section 117895 of the Health and Safety Code is  
36 repealed.

37 SEC. 32. Section 117895 is added to the Health and Safety  
38 Code, to read:

39 117895. Registration pursuant to this part shall allow a small  
40 quantity generator to generate medical waste at temporary events,

1 including, but not limited to, health fairs, vaccination clinics, and  
2 veteran stand downs, without further registration or permitting  
3 required. The small quantity generator shall notify the local  
4 enforcement agency of their intended participation in a temporary  
5 event at least 72 hours before the ~~event~~ *event, unless the sponsor*  
6 *of the temporary event previously notified the local enforcement*  
7 *agency of the event.*

8 SEC. 33. Section 117900 of the Health and Safety Code is  
9 amended to read:

10 117900. No person shall haul medical waste unless the person  
11 is one of the following:

12 (a) A registered hazardous waste hauler pursuant to the  
13 requirements of Chapter 6.5 (commencing with Section 25100) of  
14 Division 20.

15 (b) A mail-back system approved by the United States Postal  
16 Service.

17 (c) A common carrier allowed to haul pharmaceutical waste  
18 pursuant to Section 118029 or 118032.

19 (d) A small quantity generator or a large quantity generator  
20 transporting limited quantities of medical waste with an exemption  
21 granted pursuant to either Section 117946 or Section 117976,  
22 respectively.

23 (e) A registered trauma scene waste practitioner hauling trauma  
24 scene waste pursuant to Section 118321.5.

25 SEC. 34. Section 117903 of the Health and Safety Code is  
26 amended to read:

27 117903. No person shall treat medical waste unless the person  
28 is permitted by the enforcement agency as required by this part or  
29 unless the treatment is performed by a medical waste generator  
30 and is a treatment method approved pursuant to Chapter 8  
31 (commencing with Section 118215).

32 SEC. 35. Section 117904 of the Health and Safety Code is  
33 amended to read:

34 117904. (a) In addition to the consolidation points authorized  
35 pursuant to Section 118147, the enforcement agency may approve  
36 a location as a point of consolidation for the collection of  
37 home-generated sharps waste, which, after collection, shall be  
38 transported and treated as medical waste.

39 (b) A consolidation location approved pursuant to this section  
40 shall be known as a “home-generated sharps consolidation point.”

(c) A home-generated sharps consolidation point is not subject to the requirements of Chapter 9 (commencing with Section 118275), to the permit or registration requirements of this part, or to any permit or registration fees, with regard to the activity of consolidating home-generated sharps waste pursuant to this section.

(d) A home-generated sharps consolidation point shall comply with all of the following requirements:

(1) All sharps waste shall be placed in sharps containers.

(2) Sharps containers ready for disposal shall not be held for more than seven days without the written approval of the enforcement agency.

(e) An operator of a home-generated sharps consolidation point approved pursuant to this section shall not be considered the generator of that waste, but shall be listed on the shipping document in compliance with United States Department of Transportation and United States Postal Service requirements.

(f) The medical waste treatment facility which treats the sharps waste subject to this section shall maintain the shipping documents required by Section 118165 with regard to that sharps waste.

SEC. 36. Section 117918 of the Health and Safety Code is amended to read:

117918. Medical waste shall be treated using treatment technologies approved by the department in accordance with Chapter 8 (commencing with Section 118215).

SEC. 37. Section 117920 of the Health and Safety Code is amended to read:

117920. The fee schedule specified in Section 117923 shall be for the issuance of medical waste registrations and for conducting inspections pursuant to this chapter when the department serves as the enforcement agency for small quantity generators. This fee schedule shall be adjusted annually in accordance with Section ~~100425 to reflect the actual costs of implementing this chapter.~~ *100425, or as provided in the regulations adopted by the department, not to exceed the reasonable regulatory costs of the department.* Local enforcement agencies shall set fees that shall be sufficient to cover their costs in implementing this part with regard to small quantity generators required to be registered pursuant to Section 117925.

SEC. 38. Section 117924 of the Health and Safety Code is amended to read:



1 117924. (a) When the department is the enforcement agency,  
2 the department shall impose and cause the collection of an annual  
3 medical waste generator fee in an amount not to exceed twenty-five  
4 dollars (\$25) on small quantity generators of medical waste, except  
5 for those small quantity generators that are required to register  
6 pursuant to Section 117925 and those generators generating only  
7 pharmaceutical waste as defined in paragraph (3) of subdivision  
8 (b) of Section 117690. Nothing in this part shall prevent the  
9 department from contracting with entities other than the department  
10 for these fee collection activities or from entering into agreements  
11 with medical waste transporters for the collection of these fees, if  
12 the department determines that such a fee collection arrangement  
13 would be cost effective.

14 (b) If the department determines to enter into a contract with a  
15 medical waste transporter for the collection of the fees, the  
16 department shall do all of the following:

17 (1) Establish that not more than 7.5 percent of the fees collected  
18 may be recovered by the medical waste transporter as  
19 administrative costs for the collection of those fees.

20 (2) Establish that the administrative costs for the collection of  
21 the fees shall be the same for all medical waste transporters.

22 (3) Prohibit any medical waste transporter from waiving the  
23 generator fee without the written approval of the department and  
24 only if the medical waste generator has made a written request for  
25 the waiver.

26 (4) Require the medical waste transporter to report the fees  
27 collected pursuant to subdivision (a) to the department.

28 (5) Prohibit the medical waste transporter from assuming the  
29 role of the department as an enforcement agent for purposes of  
30 collecting the medical waste generator fees.

31 (6) Require medical waste transporters to include the following  
32 language in at least 12-point type on their invoices to medical  
33 waste generators:

34 "Pursuant to Section 117924 of the California Health and Safety  
35 Code, the State Department of Public Health has contracted with  
36 us to collect your annual medical waste generator fee. The  
37 department may offset our costs of collection and administration  
38 in an amount that may not exceed 7.5 percent of the fee collected.  
39 We may not waive the fee without written approval of the

1 department, and only if you have made a written request for the  
2 waiver.”

3 (7) Ensure that generators subject to this section are required  
4 to pay the fee only once per year.

5 *SEC. 39. Section 117928 of the Health and Safety Code is*  
6 *amended to read:*

7 117928. (a) Any common storage facility for the collection  
8 of medical waste produced by small quantity generators operating  
9 independently, but sharing common storage facilities, shall have  
10 a permit issued by the enforcement agency *prior to the*  
11 *commencement of storage of medical waste in the common storage*  
12 *facility.*

13 (b) A permit for any common storage facility specified in  
14 subdivision (a) may be obtained by any one of the following:

15 (1) A provider of health care as defined in Section 56.05 of the  
16 Civil Code.

17 (2) The registered hazardous waste transporter.

18 (3) The property owner.

19 (4) The property management firm responsible for providing  
20 tenant services to the medical waste generators.

21 ~~SEC. 39.~~

22 *SEC. 40. Section 117933 of the Health and Safety Code is*  
23 *repealed.*

24 ~~SEC. 40.~~

25 *SEC. 41. Section 117935 of the Health and Safety Code is*  
26 *amended to read:*

27 117935. A small quantity generator required to register with  
28 the enforcement agency pursuant to Section 117930 shall file with  
29 the enforcement agency a medical waste management plan on  
30 forms prescribed by the enforcement agency, if provided. The  
31 plans shall contain, but are not limited to, all of the following:

32 (a) The name of the person.

33 (b) The business address of the person.

34 (c) The type of business.

35 (d) The types, and the estimated average monthly quantity, of  
36 medical waste generated.

37 (e) The type of treatment used onsite.

38 (f) The name and business address of the registered hazardous  
39 waste hauler used by the generator for backup treatment and  
40 disposal, for waste when the onsite treatment method is not

1 appropriate due to the hazardous or radioactive characteristics of  
2 the waste.

3 (g) The name of the registered hazardous waste hauler used by  
4 the generator to have untreated medical waste removed for  
5 treatment and disposal, if applicable.

6 (h) The name of the common carrier used by the generator to  
7 transport pharmaceutical waste offsite for treatment and disposal  
8 pursuant to Section 118032, if applicable.

9 (i) If applicable, the steps taken to categorize the pharmaceutical  
10 wastes generated at the facility to ensure that the wastes are  
11 properly disposed of as follows:

12 (1) Pharmaceutical wastes classified by the federal Drug  
13 Enforcement Agency (DEA) as “controlled substances” are  
14 disposed of in compliance with DEA requirements.

15 (2) The name and business address of the registered hazardous  
16 waste hauler used by the generator to have wastes that are not  
17 regulated pursuant to the federal Resource Conservation and  
18 Recovery Act of 1976 and nonradioactive pharmaceutical wastes  
19 regulated as medical waste safely removed for treatment in  
20 compliance with subdivision (b) of Section 118222 as waste  
21 requiring specific methods.

22 (j) A closure plan for the termination of treatment at the facility  
23 using, at a minimum, one of the methods of decontamination  
24 specified in subdivision (a) or (b) of Section 118295, thereby  
25 rendering the property to an acceptable sanitary condition following  
26 the completion of treatment services at the site.

27 (k) A statement certifying that the information provided is  
28 complete and accurate.

29 ~~SEC. 41.~~

30 *SEC. 42.* Section 117938 of the Health and Safety Code is  
31 amended to read:

32 117938. (a) Small quantity generators using onsite steam  
33 sterilization, incineration, or microwave technology to treat medical  
34 waste are subject to biennial inspection of that onsite treatment  
35 facility by the enforcement agency and may be subject to the  
36 permitting requirements for onsite medical waste treatment  
37 facilities as determined by the enforcement agency.

38 ~~(b) The permitting requirements of subdivision (a) do not apply~~  
39 ~~when onsite steam sterilization is used for the treatment or disposal~~  
40 ~~of medical waste.~~

1 (e)

2 (b) (1) The operators of the treatment equipment specified in  
3 subdivision (a) shall be required to receive training in the operation  
4 of the treatment equipment, proper protective equipment to wear,  
5 if any, how to clean up spills, and other information required to  
6 operate the treatment equipment in a safe and effective manner.

7 (2) Annual training for the operators shall be provided after the  
8 initial training has been completed.

9 (3) The training shall be documented for each treatment operator  
10 and retained on file at the generator facility for a minimum of two  
11 years. Training shall comply with applicable federal Occupational  
12 Safety and Health Administration regulations, including those  
13 found in Section 1910 of Title 29 of the Code of Federal  
14 Regulations.

15 ~~SEC. 42.~~

16 *SEC. 43.* Section 117940 of the Health and Safety Code is  
17 amended to read:

18 117940. (a) Each enforcement agency shall follow procedures  
19 consistent with this chapter in registering medical waste generators.

20 (b) Each medical waste generator registration for small quantity  
21 generators issued by the enforcement agency shall be valid for two  
22 years.

23 (c) An application for renewal of the registration for small  
24 quantity generators shall be filed with the enforcement agency on  
25 or before the expiration date.

26 (d) Generators shall submit an updated application form when  
27 any of the information specified in their medical waste management  
28 plan, created pursuant to Section 117935, changes. The updated  
29 application form shall be submitted within 30 days of the change.

30 ~~SEC. 43.~~

31 *SEC. 44.* Section 117943 of the Health and Safety Code is  
32 amended to read:

33 117943. (a) A medical waste generator required to register  
34 pursuant to this chapter shall maintain for a minimum of ~~two~~ *three*  
35 years individual treatment operating records, and if applicable,  
36 shipping documents for all untreated medical waste shipped offsite  
37 for treatment, and shall report or submit to the enforcement agency,  
38 upon request, all of the following:

39 (1) Treatment operating records. Operating records shall be  
40 maintained in written or electronic form.

1 (2) An emergency action plan complying with regulations  
2 adopted by the department.

3 (3) Shipping documents or electronically archived shipping  
4 documents maintained by the facility ~~or~~ and medical waste hauler  
5 of all untreated medical waste shipped offsite for treatment.

6 (b) Documentation shall be made available to the enforcement  
7 agency onsite ~~as soon as feasible, but no more than two business~~  
8 ~~days following the request.~~

9 ~~SEC. 44.~~

10 *SEC. 45.* Section 117945 of the Health and Safety Code is  
11 amended to read:

12 117945. (a) Small quantity generators who are not required  
13 to register pursuant to this chapter shall maintain on file in their  
14 office all of following:

15 (1) An information document stating how the generator contains,  
16 stores, treats, and disposes of any medical waste generated through  
17 any act or process of the generator.

18 (2) Records required by the United States Department of  
19 Transportation or the United States Postal Service of any medical  
20 waste shipped offsite for treatment and disposal. The small quantity  
21 generator shall maintain, or have available electronically at the  
22 facility or from the medical waste hauler or common carrier, these  
23 records, for not less than ~~two~~ *three* years.

24 (b) Documentation shall be made available to the enforcement  
25 agency ~~onsite as soon as feasible, but no more than two days~~  
26 ~~following the request.~~ *onsite.*

27 ~~SEC. 45.~~

28 *SEC. 46.* Section 117946 is added to the Health and Safety  
29 Code, to read:

30 117946. (a) A small quantity medical waste generator or parent  
31 organization that employs health care professionals who generate  
32 medical waste may transport medical waste generated in limited  
33 quantities *up to 37.5 pounds* to the central location of accumulation,  
34 provided that all of the following are met:

35 (1) The principal business of the generator is not to transport  
36 or treat regulated medical waste.

37 (2) The generator shall adhere to the conditions and requirements  
38 set forth in the materials of trade exception, as specified in Section  
39 173.6 of Title 49 of the Code of Federal Regulations.

(3) A person transporting medical waste pursuant to this section shall provide a form or log to the receiving facility, and the receiving facility shall maintain the form or log for a period of two years, containing all of the following information:

(A) The name of the person transporting the medical waste.

(B) The number of containers of medical waste transported.

(C) The date the medical waste was transported.

(b) A generator transporting medical waste pursuant to this section shall not be regulated as a hazardous waste hauler pursuant to Section 117660.

~~SEC. 46.~~

*SEC. 47.* Section 117950 of the Health and Safety Code is amended to read:

117950. (a) Each large quantity generator, except as specified in subdivisions (b) and (c), shall register with the enforcement agency prior to commencement of the generation of medical waste.

(b) Large quantity generators operating as a business in the same building, or that are associated with a group practice in the same building, may register as one generator.

(c) Large quantity generators as specified in subdivision (a), operating in different buildings on the same or adjacent property, or as approved by the enforcement agency, may register as one generator.

(d) "Adjacent," for purposes of subdivision (c), means real property within 400 yards from the property boundary of the primary registration site. All federal transportation requirements specified in Section 173.6 of Part 49 of the Code of Federal Regulations shall apply for purposes of transporting medical waste from adjacent properties.

~~SEC. 47.~~

*SEC. 48.* Section 117955 of the Health and Safety Code is repealed.

~~SEC. 48.~~

*SEC. 49.* Section 117960 of the Health and Safety Code is amended to read:

117960. A large quantity generator required to register with the enforcement agency shall file with the enforcement agency a medical waste management plan, on forms prescribed by the enforcement agency, if provided. The plans shall contain, but are not limited to, all of the following:

1 (a) The name of the person.

2 (b) The business address of the person.

3 (c) The type of business.

4 (d) The types, and the estimated average monthly quantity, of  
5 medical waste generated.

6 (e) The type of treatment used onsite, if applicable. For  
7 generators with onsite medical waste treatment facilities, the  
8 treatment capacity of the onsite treatment facility.

9 (f) The name and business address of the registered hazardous  
10 waste hauler used by the generator to have untreated medical waste  
11 removed for treatment, if applicable, and, if applicable, the name  
12 and business address of the common carrier transporting  
13 pharmaceutical waste pursuant to Section 118032.

14 (g) The name and business address of the offsite medical waste  
15 treatment facility to which the medical waste is being hauled, if  
16 applicable.

17 (h) An emergency action plan complying with regulations  
18 adopted by the department.

19 (i) If applicable, the steps taken to categorize the pharmaceutical  
20 wastes generated at the facility to ensure that the wastes are  
21 properly disposed of as follows:

22 (1) Pharmaceutical wastes classified by the federal Drug  
23 Enforcement Agency (DEA) as “controlled substances” are  
24 disposed of in compliance with DEA requirements.

25 (2) The name and business address of the hazardous waste hauler  
26 used by the generator to have wastes that are not regulated pursuant  
27 to the federal Resource Conservation and Recovery Act of 1976  
28 and nonradioactive pharmaceutical wastes regulated as medical  
29 wastes safely removed for treatment in compliance with subdivision  
30 (b) of Section 118222, as waste requiring specific methods.

31 (j) A closure plan for the termination of treatment at the facility  
32 using, at a minimum, one of the methods of decontamination  
33 specified in subdivision (a) or (b) of Section 118295, thereby  
34 rendering the property to an acceptable sanitary condition following  
35 the completion of treatment services at the site.

36 (k) A statement certifying that the information provided is  
37 complete and accurate.

38 ~~SEC. 49.~~

39 *SEC. 50.* Section 117967 is added to the Health and Safety  
40 Code, to read:

1 117967. (a) Large quantity generators that treat medical waste  
2 onsite using steam sterilization, incineration, microwave  
3 technology, or other department approved treatment technology  
4 to treat medical waste shall train the operators of the equipment  
5 in its use, proper protective equipment to wear, if necessary, and  
6 how to clean up spills to ensure that the equipment is being  
7 operated in a safe and effective manner.

8 (b) Annual training for the operators shall be provided after the  
9 initial training has been completed.

10 (c) The training shall be documented and the documentation  
11 shall be retained at the facility for a minimum of two years.  
12 Training shall comply with applicable federal Occupational Safety  
13 and Health Administration regulations, including those found in  
14 Section 1910 of Title 29 of the Code of Federal Regulations.

15 ~~SEC. 50.~~

16 *SEC. 51.* Section 117970 of the Health and Safety Code is  
17 amended to read:

18 117970. (a) Each enforcement agency shall follow procedures  
19 consistent with this chapter in registering medical waste generators.

20 (b) Each medical waste registration issued by the enforcement  
21 agency for large quantity generators shall be valid for one year.

22 (c) An application for renewal of the registration shall be filed  
23 with the enforcement agency not less than 90 days prior to the  
24 expiration date. Failure to meet this requirement shall result in an  
25 assessment of a late fee.

26 (d) Generators shall update their medical waste management  
27 plan, established pursuant to Section 117960, when any of the  
28 information in the plan changes and shall have the plan on file for  
29 review during an inspection or upon request. The updated plan  
30 shall be submitted within 30 days of the change.

31 ~~SEC. 51.~~

32 *SEC. 52.* Section 117975 of the Health and Safety Code is  
33 repealed.

34 ~~SEC. 52.~~

35 *SEC. 53.* Section 117975 is added to the Health and Safety  
36 Code, to read:

37 117975. (a) A large quantity medical waste generator required  
38 to register pursuant to this chapter shall maintain for a minimum  
39 of two years individual treatment records and shipping documents  
40 for all untreated medical waste shipped offsite for treatment. The



1 generator shall report or submit to the enforcement agency, upon  
2 request, all of the following:

3 (1) Treatment operating records. Operating records shall be  
4 maintained in written or electronic form.

5 (2) An emergency action plan in accordance with regulations  
6 adopted by the department.

7 (3) Shipping documents or electronically archived shipping  
8 documents maintained by the facility or medical waste hauler of  
9 all untreated medical wastes shipped offsite for treatment.

10 (b) Documentation shall be made available to the enforcement  
11 agency onsite as soon as feasible, but no more than two business  
12 days following the request.

13 ~~SEC. 53.~~

14 *SEC. 54.* Section 117976 is added to the Health and Safety  
15 Code, to read:

16 117976. (a) A large quantity medical waste generator or parent  
17 organization that employs health care professionals who generate  
18 medical waste may transport medical waste generated in limited  
19 quantities *up to 37.5 pounds* to the central location of accumulation,  
20 provided that all of the following are met:

21 (1) The principal business of the generator is not to transport  
22 or treat regulated medical waste.

23 (2) The generator shall adhere to the conditions and requirements  
24 set forth in the materials of trade exception, as specified in Section  
25 173.6 of Title 49 of the Code of Federal Regulations.

26 (3) A person transporting medical waste pursuant to this section  
27 shall provide a form or log to the receiving facility, and the  
28 receiving facility shall maintain the form or log for a period of two  
29 years, containing all of the following information:

30 (A) The name of the person transporting the medical waste.

31 (B) The number of containers of medical waste transported.

32 (C) The date the medical waste was transported.

33 (b) A generator transporting medical waste pursuant to this  
34 section shall not be regulated as a hazardous waste hauler pursuant  
35 to Section 117660.

36 ~~SEC. 54.~~

37 *SEC. 55.* Section 117985 of the Health and Safety Code is  
38 amended to read:

1 117985. Medical waste shall be treated using treatment  
2 technologies approved in accordance with Chapter 8 (commencing  
3 with Section 118215).

4 ~~SEC. 55.~~

5 *SEC. 56.* Section 117990 of the Health and Safety Code is  
6 amended to read:

7 117990. The fee schedule specified in Section 117995 shall be  
8 for the issuance of medical waste registrations and onsite medical  
9 waste treatment facility permits when the department serves as the  
10 enforcement agency for large quantity generators. This fee schedule  
11 shall be adjusted annually in accordance with Section ~~100425~~  
12 *100425, or as provided in the regulations adopted by the*  
13 *department, not to exceed the reasonable regulatory costs of the*  
14 *department.* Local enforcement agencies shall set fees that shall  
15 be sufficient to cover their costs in implementing this part with  
16 regard to large quantity generators.

17 ~~SEC. 56.~~

18 *SEC. 57.* Section 118000 of the Health and Safety Code is  
19 amended to read:

20 118000. (a) Medical waste shall only be transported to a  
21 permitted medical waste treatment facility, or to a transfer station  
22 or another registered generator for the purpose of consolidation  
23 before treatment and disposal.

24 (b) Facilities for the transfer of medical waste shall be annually  
25 inspected and issued permits in accordance with the regulations  
26 adopted pursuant to this part.

27 (c) Medical waste transported out of state shall be consigned to  
28 a permitted medical waste treatment facility in the receiving state.  
29 If there is no permitted medical waste treatment facility in the  
30 receiving state or if the medical waste is crossing an international  
31 border, the medical waste shall be treated in accordance with  
32 Chapter 8 (commencing with Section 118215) prior to being  
33 transported out of the state.

34 ~~SEC. 57.~~

35 *SEC. 58.* Section 118005 of the Health and Safety Code is  
36 repealed.

37 ~~SEC. 58.~~

38 *SEC. 59.* Section 118025 of the Health and Safety Code is  
39 amended to read:

1 118025. All medical waste shall be hauled by a registered  
2 hazardous waste hauler, the United States Postal Service, or by a  
3 person with an exception granted pursuant to Section 117946 for  
4 small quantity generators or pursuant to Section 117976 for large  
5 quantity generators.

6 ~~SEC. 59.~~

7 *SEC. 60.* Section 118027 of the Health and Safety Code is  
8 amended to read:

9 118027. A person who is authorized to collect solid waste, as  
10 defined in Section 40191 of the Public Resources Code, who  
11 unknowingly transports medical waste to a solid waste facility, as  
12 defined in Section 40194 of the Public Resources Code, incidental  
13 to the collection of solid waste, is exempt from the provisions of  
14 the Medical Waste Management Act with regard to that waste. If  
15 a solid waste transporter discovers that he or she has hauled  
16 untreated medical waste to a landfill or materials recovery facility,  
17 he or she shall contact the originating generator of the medical  
18 waste to respond to the landfill or recovery facility to provide  
19 ultimate proper disposal of the medical waste. The solid waste  
20 facility operator may, at its discretion and after contacting the  
21 generator, make arrangements for the proper treatment and disposal  
22 of the medical waste at a facility approved by the department. Title  
23 to the waste remains with the generator. Reimbursement costs for  
24 the proper management of discovered waste shall be the originating  
25 generator's responsibility.

26 ~~SEC. 60.~~

27 *SEC. 61.* Section 118029 of the Health and Safety Code is  
28 amended to read:

29 118029. (a) Haulers of medical waste in California, with the  
30 exception of those using a materials of trade exception as specified  
31 in Sections 117946 and 117976, and United States Department of  
32 Transportation licensed common carriers hauling pharmaceutical  
33 waste, shall meet all United States Department of Transportation  
34 requirements for transporting medical waste and shall be hazardous  
35 waste haulers in California. On or before July 1, 1 of each year, a  
36 registered hazardous waste hauler that transports medical waste  
37 shall so notify the department, and provide, in a format that  
38 conforms to the protocol requirements for submission of data to  
39 the department, the following information:

40 (1) Business name, address, and telephone number.

1 (2) Name of owner, operator, and contact person.

2 (3) Hazardous waste transporter registration number.

3 (4) The number of vehicles and trailers transporting medical  
4 waste within the state as of that date.

5 (5) Types and quantities of medical waste collected, in pounds.

6 (6) The names of the generators whose waste has been  
7 transported by the hauler and the amounts of medical waste  
8 transported, by waste type category.

9 (b) Each registered hazardous waste hauler shall provide to the  
10 department a list of all medical waste generators serviced by that  
11 person during the previous 12 months. That list shall include the  
12 business name, business address, mailing address, telephone  
13 number, and other information as required by the department to  
14 collect annual fees pursuant to Section 117924. The list shall be  
15 provided to the department within 10 days of the close of the  
16 earliest calendar quarter ending September 30, December 31,  
17 March 31, or June 30, or as otherwise required by the department.

18 ~~SEC. 61.~~

19 *SEC. 62.* Section 118030 of the Health and Safety Code is  
20 repealed.

21 ~~SEC. 62.~~

22 *SEC. 63.* Section 118032 of the Health and Safety Code is  
23 amended to read:

24 118032. A pharmaceutical waste generator or parent  
25 organization that employs health care professionals who generate  
26 pharmaceutical waste is exempt from the requirements of  
27 subdivision (a) of Section 118000 if all of the following  
28 requirements are met:

29 (a) The generator or parent organization has on file one of the  
30 following:

31 (1) If the generator or parent organization is a small quantity  
32 generator required to register pursuant to Chapter 4 (commencing  
33 with Section 117925), a medical waste management plan prepared  
34 pursuant to Section 117935.

35 (2) If the generator or parent organization is a small quantity  
36 generator not required to register pursuant to Chapter 4  
37 (commencing with Section 117925), the information document  
38 maintained pursuant to subdivision (a) of Section 117945.

1 (3) If the generator or parent organization is a large quantity  
2 generator, a medical waste management plan prepared pursuant  
3 to Section 117960.

4 (b) The generator or health care professional who generated the  
5 pharmaceutical waste transports the pharmaceutical waste himself  
6 or herself, or directs a member of his or her staff to transport the  
7 pharmaceutical waste to a parent organization or another health  
8 care facility for the purpose of consolidation before treatment and  
9 disposal, or contracts with a common carrier to transport the  
10 pharmaceutical waste to a permitted medical waste treatment  
11 facility or transfer station.

12 (c) Except as provided in subdivision (d), all of the following  
13 requirements are met:

14 (1) Prior to shipment of the pharmaceutical waste, the generator  
15 notifies the intended destination facility that it is shipping  
16 pharmaceutical waste to it and provides a copy of the shipping  
17 document, as specified in Section 117770.

18 (2) The generator and the facility receiving the pharmaceutical  
19 waste maintain the shipping document, as specified in Section  
20 117770.

21 (3) The facility receiving the pharmaceutical waste notifies the  
22 generator of the receipt of the pharmaceutical waste shipment and  
23 any discrepancies between the items received and the shipping  
24 document, as specified in Section 117770, evidencing diversion  
25 of the pharmaceutical waste.

26 (4) The generator notifies the enforcement agency of any  
27 discrepancies between the items received and the shipping  
28 document, as specified in Section 117770, evidencing diversion  
29 of the pharmaceutical waste.

30 (d) (1) Notwithstanding subdivision (c), if a health care  
31 professional who generates pharmaceutical waste returns the  
32 pharmaceutical waste to the parent organization for the purpose  
33 of consolidation before treatment and disposal over a period of  
34 time, a single-page form or multiple entry log may be substituted  
35 for the tracking document, if the form or log contains all of the  
36 following information:

37 (A) The name of the person transporting the pharmaceutical  
38 waste.

39 (B) The number of containers of pharmaceutical waste. This  
40 clause does not require any generator to maintain a separate

1 pharmaceutical waste container for every patient or to maintain  
2 records as to the specified source of the pharmaceutical waste in  
3 any container.

4 (C) The date that the pharmaceutical waste was returned.

5 (2) The form or log described in paragraph (1) shall be  
6 maintained in the files of the health care professional who generates  
7 the pharmaceutical waste and the parent organization or another  
8 health care facility that receives the pharmaceutical waste.

9 (3) This subdivision does not prohibit the use of a single  
10 document to verify the return of more than one container to a parent  
11 organization or another health care facility, provided the form or  
12 log meets the requirements specified in paragraphs (1) and (2).

13 ~~SEC. 63.~~

14 ~~SEC. 64.~~ Section 118040 of the Health and Safety Code is  
15 repealed.

16 ~~SEC. 64.~~

17 ~~SEC. 65.~~ Section 118045 of the Health and Safety Code is  
18 amended to read:

19 118045. (a) The department shall charge an application fee  
20 for a permit for a transfer station equal to one hundred dollars  
21 (\$100) for each hour which the department spends on processing  
22 the application, but not more than ten thousand dollars ~~(\$10,000).~~  
23 *(\$10,000), or as provided in the regulations adopted by the*  
24 *department, not to exceed the reasonable regulatory costs of the*  
25 *department.*

26 (b) In addition to the fee specified in subdivision (a), the annual  
27 permit fee for a transfer station is two thousand dollars ~~(\$2,000)~~  
28 *(\$2,000), or as provided in the regulations adopted by the*  
29 *department, not to exceed the reasonable regulatory costs of the*  
30 *department.*

31 ~~SEC. 65.~~

32 ~~SEC. 66.~~ Section 118135 of the Health and Safety Code is  
33 amended to read:

34 118135. Each person operating an offsite medical waste  
35 treatment facility shall obtain a permit pursuant to this chapter  
36 from the department prior to commencement of the treatment  
37 facility's operation.

38 ~~SEC. 66.~~

39 ~~SEC. 67.~~ Section 118150 of the Health and Safety Code is  
40 amended to read:

1 118150. Each enforcement agency shall follow procedures that  
2 are consistent with the Medical Waste Management Act and the  
3 regulations adopted pursuant to this chapter, when issuing medical  
4 waste permits.

5 ~~SEC. 67.~~

6 *SEC. 68.* Section 118155 of the Health and Safety Code is  
7 amended to read:

8 118155. A person required to obtain an offsite medical waste  
9 treatment facility permit pursuant to this part shall file with the  
10 enforcement agency an application containing, but not limited to,  
11 all of the following:

12 (a) The name of the applicant.

13 (b) The business address of the applicant.

14 (c) The type of treatment provided, the treatment capacity of  
15 the facility, a characterization of the waste treated at this facility  
16 and the estimated average monthly quantity of waste treated at the  
17 facility.

18 (d) A disclosure statement, as provided in Section 25112.5,  
19 except for onsite medical waste treatment facilities.

20 (e) A plan for closure of the facility using, at minimum, one of  
21 the methods of decontamination specified in subdivision (a) or (b)  
22 of Section 118295, thereby rendering the property to an acceptable  
23 sanitary condition following the ending of treatment services at  
24 the site.

25 (f) Any other information required by the enforcement agency  
26 for the administration or enforcement of this part or the regulations  
27 adopted pursuant to this part.

28 ~~SEC. 68.~~

29 *SEC. 69.* Section 118160 of the Health and Safety Code is  
30 amended to read:

31 118160. (a) Prior to issuing or renewing a permit for an offsite  
32 medical waste treatment facility, the department shall review the  
33 compliance history of the applicant, under any local, state, or  
34 federal law or regulation governing the control of medical waste  
35 or pollution.

36 (b) The department shall, pursuant to this section, deny a permit,  
37 or specify additional permit conditions, to ensure compliance with  
38 applicable regulations, if the department determines that in the  
39 three-year period preceding the date of application the applicant  
40 has violated laws or regulations identified in subdivision (a) at a

1 facility owned or operated by the applicant, and the violations  
2 demonstrate a recurring pattern of noncompliance or pose, or have  
3 posed, a significant risk to public health and safety or to the  
4 environment.

5 (c) In making the determination of whether to deny a permit or  
6 to specify additional permit conditions, the department shall take  
7 both of the following into consideration:

8 (1) Whether a permit denial or permit condition is appropriate  
9 or necessary given the severity of the violation.

10 (2) Whether the violation has been corrected in a timely fashion.

11 ~~SEC. 69.~~

12 *SEC. 70.* Section 118205 of the Health and Safety Code is  
13 amended to read:

14 118205. The fee schedule specified in Section 118210 shall  
15 cover the issuance of medical waste treatment facility permits and  
16 an inspection program, when the department serves as the  
17 enforcement agency. This fee schedule shall be adjusted annually  
18 in accordance with Section 100425. The department may adjust  
19 by regulation the fees specified in Section 118210 to reflect the  
20 actual costs of implementing this chapter. Local enforcement  
21 agencies shall set fees that shall be sufficient to cover their costs  
22 in implementing this part with regard to large quantity generators.

23 ~~SEC. 70.~~

24 *SEC. 71.* Section 118215 of the Health and Safety Code is  
25 amended to read:

26 118215. (a) Except as provided in subdivisions (b) and (c), a  
27 person generating or treating medical waste shall ensure that the  
28 medical waste is treated by one of the following methods, thereby  
29 rendering it solid waste, as defined in Section 40191 of the Public  
30 Resources Code, prior to disposal:

31 (1) (A) Incineration at a permitted medical waste treatment  
32 facility in a controlled-air, multichamber incinerator, or other  
33 method of incineration approved by the department which provides  
34 complete combustion of the waste into carbonized or mineralized  
35 ash.

36 (B) Treatment with an alternative technology approved pursuant  
37 to paragraph (3), which, due to the extremely high temperatures  
38 of treatment in excess of 1300 degrees Fahrenheit, has received  
39 express approval from the department.



(2) Steam sterilization at a permitted medical waste treatment facility or by other sterilization, in accordance with all of the following operating procedures for steam sterilizers or other sterilization:

(A) Standard written operating procedures shall be established for biological indicators, or for other indicators of adequate sterilization approved by the department, for each steam sterilizer, including time, temperature, pressure, type of waste, type of container, closure on container, pattern of loading, water content, and maximum load quantity.

(B) Recording or indicating thermometers shall be checked during each complete cycle to ensure the attainment of 121° Centigrade (250° Fahrenheit) for at least one-half hour, depending on the quantity and density of the load, to achieve sterilization of the entire load. Thermometers, thermocouples, or other monitoring devices identified in the facility operating plan shall be checked for calibration annually. Records of the calibration checks shall be maintained as part of the facility's files and records for a period of two years or for the period specified in the regulations.

(C) Heat-sensitive tape, or another method acceptable to the enforcement agency, shall be used on each biohazard bag or sharps container that is processed onsite to indicate that the waste went through heat treatment. If the biohazard bags or sharps containers are placed in a large liner bag within the autoclave for treatment, heat-sensitive tape or another method acceptable to the enforcement agency only needs to be placed on the liner bag and not on every hazardous waste bag or sharps container being treated.

(D) The biological indicator *Geobacillus stearothermophilus*, or other indicator of adequate sterilization as approved by the department, shall be placed at the center of a load processed under standard operating conditions at least monthly to confirm the attainment of adequate sterilization conditions.

(E) Records of the procedures specified in subparagraphs (A), (B), and (D) shall be maintained for a period of not less than two years.

(3) (A) Other alternative medical waste treatment methods which are both of the following:

(i) Approved by the department.

(ii) Result in the destruction of pathogenic micro-organisms.

(B) Any alternative medical waste treatment method proposed to the department shall be evaluated by the department and either approved or rejected pursuant to the criteria specified in this subdivision.

(b) Fluid blood or fluid blood products may be discharged to a public sewage system without treatment if its discharge is consistent with waste discharge requirements placed on the public sewage system by the California regional water quality control board with jurisdiction.

(c) (1) A medical waste that is a biohazardous laboratory waste, as defined in subparagraph (B) of paragraph (1) of subdivision (b) of Section 117690, may be treated by a chemical disinfection if the waste is liquid or semiliquid and the chemical disinfection method is recognized by the National Institutes of Health, the Centers for Disease Control and Prevention, or the American Biological Safety Association, and if the use of chemical disinfection as a treatment method is identified in the site's medical waste management plan.

(2) If the waste is not treated by chemical disinfection, in accordance with paragraph (1), the waste shall be treated by one of the methods specified in subdivision (a).

(3) Following treatment by chemical disinfection, the medical waste may be discharged to the public sewage system if the discharge is consistent with waste discharge requirements placed on the public sewage system by the California regional water control board, and the discharge is in compliance with the requirements imposed by the owner or operator of the public sewage system. If the chemical disinfection of the medical waste causes the waste to become a hazardous waste, the waste shall be managed in accordance with the requirements of Chapter 6.5 (commencing with Section 25100) of Division 20.

~~SEC. 71.~~

*SEC. 72.* Section 118220 of the Health and Safety Code is amended to read:

118220. Pathology waste of a human nature, as defined in subparagraph (A) of paragraph (2) of subdivision (b) of Section 117690, shall be disposed of by interment, incineration, or alternative treatment technologies approved to treat this type of waste, pursuant to paragraph (1) or paragraph (3) of subdivision (a) of Section 118215.

1     ~~SEC. 72.~~

2     SEC. 73. Section 118222 of the Health and Safety Code is  
3 amended to read:

4     118222. (a) Pathology waste that meets the conditions of  
5 paragraph (2) of subdivision (b) of Section 117690 and trace  
6 chemotherapy waste that meets the conditions of paragraph (5) of  
7 subdivision (b) of Section 117690 shall be treated by incineration  
8 or alternative treatment technologies approved to treat that waste  
9 pursuant to paragraph (1) or paragraph (3) of subdivision (a) of  
10 Section 118215 prior to disposal.

11     (b) Pharmaceutical waste from health care settings that meets  
12 the conditions specified in paragraph (3) of subdivision (b) of  
13 Section 117690 shall be treated by incineration or alternative  
14 treatment technologies approved to treat that waste pursuant to  
15 paragraph (1) or paragraph (3) of subdivision (a) of Section 118215  
16 prior to disposal.

17     ~~SEC. 73.~~

18     SEC. 74. Section 118240 of the Health and Safety Code is  
19 amended to read:

20     118240. Notwithstanding Section 9141 of the Food and  
21 Agricultural Code, animals that die from infectious diseases or  
22 that are euthanized because they are suspected of having been  
23 exposed to infectious disease shall be treated with a treatment  
24 technology approved by the department for that use if, in the  
25 opinion of the attending veterinarian or local health officer, the  
26 carcass presents a danger of infection to humans.

27     ~~SEC. 74.~~

28     SEC. 75. Section 118245 of the Health and Safety Code is  
29 amended to read:

30     118245. The department shall charge an application fee for  
31 evaluation of an alternative treatment technology of two thousand  
32 five hundred dollars (\$2,500) and shall charge an additional fee  
33 equal to one hundred dollars (\$100) per hour for each hour which  
34 the department spends on processing the application, but not more  
35 than a total of five thousand dollars ~~(\$5,000)~~ (\$5,000), *or as*  
36 *provided in the regulations adopted by the department, not to*  
37 *exceed the reasonable regulatory costs of the department.*

38     ~~SEC. 75.~~

39     SEC. 76. Section 118275 of the Health and Safety Code is  
40 amended to read:

1 118275. (a) To containerize or store medical waste, at the  
2 point of generation and while collected in that room, a person shall  
3 do all of the following:

4 (1) Medical waste, as defined in Section 117690, shall be  
5 contained separately from other waste at the point of origin in the  
6 producing facility. Sharps containers may be placed in biohazard  
7 bags or in containers with biohazard bags.

8 (2) Biohazardous waste, as defined in paragraph (1) of  
9 subdivision (b) of Section 117690, shall be placed in a biohazard  
10 bag conspicuously labeled with the words “Biohazardous Waste”  
11 or with the international biohazard symbol and the word  
12 “BIOHAZARD.”

13 (3) Sharps waste, as defined in paragraph (4) of subdivision (b)  
14 of Section 117690, including sharps and pharmaceutical waste  
15 containerized pursuant to paragraph (7), shall be contained in a  
16 United States Food and Drug Administration (USFDA) approved  
17 sharps container that meets USFDA labeling requirements and is  
18 handled pursuant to Section 118285.

19 (4) Trace chemotherapy waste, as defined in paragraph (5) of  
20 subdivision (b) of Section 117690, shall be segregated for storage,  
21 and, when placed in a secondary container, that container shall be  
22 labeled with the words “Chemotherapy Waste,” “CHEMO,” or  
23 other label approved by the department on the *lid and* sides, so as  
24 to be visible from any lateral direction, to ensure treatment of the  
25 biohazardous waste pursuant to Section 118222. Sharps waste that  
26 is contaminated through contact with, or having previously  
27 contained, chemotherapeutic agents, shall be placed in sharps  
28 containers labeled in accordance with the industry standard with  
29 the words “Chemotherapy Waste,” “Chemo,” or other label  
30 approved by the department, and shall be segregated to ensure  
31 treatment of the sharps waste pursuant to Section 118222.

32 (5) Pathology waste, as defined in paragraph (2) of subdivision  
33 (b) of Section 117690, shall be segregated for storage and, when  
34 placed in a secondary container, that container shall be labeled  
35 with the words “Pathology Waste,” “PATH,” or other label  
36 approved by the department on the *lid and* sides, so as to be visible  
37 from any lateral direction, to ensure treatment of the waste pursuant  
38 to Section 118222.

39 (6) Pharmaceutical waste, as defined in paragraph (3) of  
40 subdivision (b) of Section 117690, shall be segregated for storage

1 in accordance with the facility's medical waste management plan  
2 to ensure that it is properly containerized for disposal in compliance  
3 with United States Department of Transportation and United States  
4 Drug Enforcement Agency (DEA) requirements.

5 (A) Pharmaceutical wastes classified by the DEA as "controlled  
6 substances" shall be disposed of in compliance with DEA  
7 requirements.

8 (B) Nonradioactive pharmaceutical wastes that are not subject  
9 to the federal Resource Conservation and Recovery Act of 1976  
10 (Public Law 94-580), as amended, and that are regulated as medical  
11 waste are placed in a container or secondary container labeled with  
12 the words ~~"INCINERATION ONLY," "PHARMACEUTICAL"~~  
13 *"HIGH HEAT ONLY," "INCINERATION,"* or other label  
14 approved by the department on the *lid and* sides, so as to be visible  
15 from any lateral direction, to ensure treatment of the biohazardous  
16 waste pursuant to Section 118222.

17 (7) A person may consolidate into a common container, which  
18 may be reusable, sharps waste, as defined in paragraph (4) of  
19 subdivision (b) of Section 117690, and pharmaceutical wastes, as  
20 defined in paragraph (3) of subdivision (b) of Section 117690,  
21 provided that ~~the both of the following apply:~~

22 (A) ~~The consolidated waste is incinerated pursuant to paragraph~~  
23 ~~(4) of subdivision (a) of Section 118215 and the treated by~~  
24 ~~incineration or alternative treatment technologies approved to~~  
25 ~~treat that waste pursuant to paragraph (1) or (3) of subdivision~~  
26 ~~(a) of Section 118215 prior to disposal. That alternative treatment~~  
27 ~~shall render the waste unrecoverable and nonhazardous.~~

28 (B) The container meets the requirements of Section 118285.  
29 The container shall be labeled with the biohazardous waste symbol  
30 and the words *"HIGH HEAT ONLY," "INCINERATION,"* or  
31 other label approved by the department on the *lid and* sides, so as  
32 to be visible from any lateral direction, to ensure treatment of the  
33 waste pursuant to this subdivision.

34 (b) To containerize medical waste being held for shipment  
35 offsite for treatment, the waste shall be labeled, as outlined in  
36 subdivision (a), on the *lid and* sides of the container.

37 (c) When medical waste is containerized pursuant to  
38 subdivisions (a) and (b) there is no requirement to label the  
39 containers with the date that the waste started to accumulate.

1     ~~SEC. 76.~~

2     SEC. 77. Section 118280 of the Health and Safety Code is  
3 amended to read:

4     118280. To containerize biohazard bags, a person shall do all  
5 of the following:

6     (a) The bags shall be tied to prevent leakage or expulsion of  
7 contents during all future storage, handling, or transport in  
8 compliance with United States Department of Transportation  
9 requirements.

10    (b) (1) Medical waste may be placed into a biohazard bag *not*  
11 *to exceed three pounds or one gallon* and tied, as required in  
12 subdivision (a), in a patient room and shall be immediately  
13 transported upon completion of the procedure directly from the  
14 point of generation and placed into a biohazard container stored  
15 in a soiled utility room or other biohazardous waste storage area  
16 without having first been placed into a secondary container in the  
17 patient room.

18    (2) Medical waste may be placed into a biohazard bag hung on  
19 a hamper stand in a surgery suite and the bag removed from the  
20 hamper stand after completion of the procedure, taken out of the  
21 surgery suite, and placed into a biohazard container stored in a  
22 soiled utility room or other biohazard waste storage area.

23    (c) Biohazardous waste, except as provided in subdivision (b),  
24 shall be bagged in accordance with subdivision (b) of Section  
25 118275 and placed for storage, handling, or transport in a rigid  
26 container that may be disposable, reusable, or recyclable.  
27 Containers shall be leak resistant, have tight-fitting covers, and be  
28 kept clean and in good repair. Containers may be recycled with  
29 the approval of the enforcement agency. Containers may be of any  
30 color and shall be labeled with the words "Biohazardous Waste"  
31 or with the international biohazard symbol and the word  
32 "BIOHAZARD" on the *lid and* sides so as to be visible from any  
33 lateral direction. Containers shall comply with United States  
34 Department of Transportation requirements *once in transit*.

35    (d) Biohazardous waste shall not be removed from the biohazard  
36 bag until treatment as prescribed in Chapter 8 (commencing with  
37 Section 118215) is completed, except to eliminate a safety hazard,  
38 or by the enforcement officer in performance of an investigation  
39 pursuant to Section 117820. Biohazardous waste shall not be

1 disposed of before being treated as prescribed in Chapter 8  
2 (commencing with Section 118215).

3 (e) (1) Except as provided in paragraph (5), a person generating  
4 biohazardous waste shall comply with the following requirements:

5 (A) If the person generates 20 or more pounds of biohazardous  
6 waste per month, the person shall not contain or store that waste  
7 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
8 than seven days without obtaining prior written approval of the  
9 enforcement agency.

10 (B) If a person generates less than 20 pounds of biohazardous  
11 waste per month, the person shall not contain or store that waste  
12 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
13 than 30 days.

14 (2) A person may store biohazardous waste at or below 0°  
15 Centigrade (32° Fahrenheit) at an onsite location for not more than  
16 90 days without obtaining prior written approval of the enforcement  
17 agency.

18 (3) A person may store biohazardous waste at a permitted  
19 transfer station at or below 0° Centigrade (32° Fahrenheit) for not  
20 more than 30 days without obtaining prior written approval of the  
21 enforcement agency. ~~A transfer station that does not have storage~~  
22 ~~capacity at or below 0° Centigrade (32° Fahrenheit) may only store~~  
23 ~~waste for a maximum of three days without obtaining prior written~~  
24 ~~approval of the enforcement agency.~~

25 (4) A person shall not store biohazardous waste above 0°  
26 Centigrade (32° Fahrenheit) at a location or facility that is offsite  
27 from the generator for more than seven days before treatment.

28 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the odor  
29 from biohazardous or sharps waste stored at a facility poses a  
30 nuisance, the enforcement agency may require more frequent  
31 removal.

32 (f) Waste that meets the definition of pharmaceutical waste in  
33 paragraph (3) of subdivision (b) of Section 117690 shall not be  
34 subject to the limitations on storage time prescribed in subdivision  
35 (e). A person may store that pharmaceutical waste at an onsite  
36 location for not longer than 90 days when the container is ready  
37 for disposal, unless prior written approval from the enforcement  
38 agency is obtained. The container shall be emptied at least once  
39 per year, unless prior written approval from the enforcement agency  
40 is obtained. A person may store that pharmaceutical waste at a

1 permitted transfer station for not longer than 30 days without  
2 obtaining prior written approval from the enforcement agency. A  
3 person shall not store pharmaceutical waste at a location or facility  
4 that is offsite from the generator for more than 30 days before  
5 treatment.

6 (g) The containment and storage time for wastes consolidated  
7 in a common container pursuant to paragraph (7) of subdivision  
8 (a) of Section 118275 shall not exceed the storage time for any  
9 category of waste set forth in this section.

10 ~~SEC. 77.~~

11 *SEC. 78.* Section 118286 of the Health and Safety Code is  
12 amended to read:

13 118286. (a) A person shall not knowingly place  
14 home-generated sharps waste in any of the following containers:

15 (1) Any container used for the collection of solid waste,  
16 recyclable materials, or greenwaste.

17 (2) Any container used for the commercial collection of solid  
18 waste or recyclable materials from business establishments.

19 (3) Any roll-off container used for the collection of solid waste,  
20 construction, and demolition debris, greenwaste, or other recyclable  
21 materials.

22 (b) Home-generated sharps waste shall be transported only in  
23 a sharps container, or other containers approved by the enforcement  
24 agency, and shall only be managed at any of the following:

25 (1) A household hazardous waste facility pursuant to Section  
26 25218.13.

27 (2) A “home-generated sharps consolidation point” as defined  
28 in subdivision (b) of Section 117904.

29 (3) A medical waste generator’s facility pursuant to Section  
30 118147.

31 (4) A facility through the use of a medical waste mail-back  
32 container approved by the United States Postal Service.

33 ~~SEC. 78.~~

34 *SEC. 79.* Section 118307 of the Health and Safety Code is  
35 amended to read:

36 118307. Medical waste that is stored in an area prior to transfer  
37 to the designated accumulation area, as defined in Section 118310,  
38 shall be stored in an area that is either locked or under direct  
39 supervision or surveillance. Intermediate storage areas shall be  
40 marked with the international biohazard symbol or the signage



1 described in Section 118310. These warning signs shall be readily  
2 legible from a distance of five feet. This section does not apply to  
3 the rooms in which medical waste is generated.

4 ~~SEC. 79.~~

5 *SEC. 80.* Section 118321.1 of the Health and Safety Code is  
6 amended to read:

7 118321.1. (a) A trauma scene waste management practitioner  
8 shall register with the department on forms provided by the  
9 department.

10 (b) The department shall register a trauma scene waste  
11 management practitioner and issue a trauma scene waste hauling  
12 permit to a trauma scene waste management practitioner who  
13 submits a completed application form and the registration fee,  
14 upon approval of the application by the department.

15 (c) A registered trauma scene waste management practitioner  
16 is exempt from the registration requirements imposed pursuant to  
17 Chapter 6 (commencing with Section 118025) or Article 6.5  
18 (commencing with Section 25167.1) of Chapter 6.5 of Division  
19 20 upon haulers of medical waste.

20 (d) Registered trauma scene waste management practitioners  
21 shall pay an annual fee of two hundred dollars (\$200) to the  
22 department for deposit in the fund. The fee revenues deposited in  
23 the fund pursuant to this subdivision may be expended by the  
24 department, upon appropriation by the Legislature, for the  
25 implementation of this chapter.

26 ~~SEC. 80.~~ ~~Section 118321.5 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 ~~118321.5. (a) Trauma scene waste shall be removed from the~~  
29 ~~trauma scene immediately upon completion of the removal phase~~  
30 ~~of a trauma scene waste removal operation.~~

31 ~~(b) Trauma scene waste shall be transported to a permitted~~  
32 ~~medical waste transfer station or treatment facility pursuant to the~~  
33 ~~conditions and requirements set forth in the materials of trade~~  
34 ~~exception specified in Section 173.6 of Title 49 of the Code of~~  
35 ~~Federal Regulations, or may be stored in a dedicated freezer at the~~  
36 ~~business location of the trauma scene waste management~~  
37 ~~practitioner for a period of not more than 14 days, or as otherwise~~  
38 ~~approved by the department.~~

39 *SEC. 81.* Section 118335 of the Health and Safety Code is  
40 amended to read:

1 118335. (a) In order to carry out the purpose of this part, any  
2 authorized representative of the enforcement agency may do any  
3 of the following:

4 (1) Enter and inspect a facility for which a medical waste permit  
5 or registration has been issued, for which a medical waste permit  
6 or registration application has been filed, or that is subject to  
7 registration or permitting requirements pursuant to this part. Enter  
8 and inspect a vehicle for which a hazardous waste hauler  
9 registration has been issued, for which an application has been  
10 filed for a hazardous waste hauler registration, or that is subject  
11 to registration requirements pursuant to this part.

12 (2) Inspect and copy any records, reports, test results, or other  
13 information related to the requirements of this part or the  
14 regulations adopted pursuant to this part.

15 (b) The inspection shall be made with the consent of the owner  
16 or possessor of the facilities or, if consent is refused, with a warrant  
17 duly issued pursuant to Title 13 (commencing with Section  
18 1822.50) of Part 3 of the Code of Civil Procedure. However, in  
19 the event of an emergency affecting the public health or safety, an  
20 inspection may be made without consent or the issuance of a  
21 warrant.

22 (c) Any traffic officer, as defined in Section 625 of the Vehicle  
23 Code, and any peace officer, as defined in Section 830.1 or 830.2  
24 of the Penal Code, may enforce Chapter 6 (commencing with  
25 Section 118000) and this chapter, and for purposes of enforcing  
26 these chapters, traffic officers and these peace officers are  
27 authorized representatives of the department.

28 SEC. 82. Section 118345 of the Health and Safety Code is  
29 amended to read:

30 118345. (a) Any person who intentionally makes any false  
31 statement or representation in any application, label, shipping  
32 document, record, report, permit, registration, or other document  
33 filed, maintained, or used for purposes of compliance with this  
34 part that materially affects the health and safety of the public is  
35 liable for a civil penalty of not more than ten thousand dollars  
36 (\$10,000) for each separate violation or, for continuing violations,  
37 for each day that the violation continues.

38 (b) Any person who fails to register or fails to obtain a medical  
39 waste permit in violation of this part, or otherwise violates any  
40 provision of this part, any order issued pursuant to Section 118330,

1 or any regulation adopted pursuant to this part, is liable for a civil  
2 penalty of not more than ten thousand dollars (\$10,000) for each  
3 violation of a separate provision of this part or, for continuing  
4 violations, for each day that the violation continues.

5 SEC. 83. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.